

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. 2:13-CR-814
	§	
JOSE GALLEGOS	§	

ORDER


Before the Court is Jose Gallegos' motion for an expedited copy of his opening statement at the trial of his case. (D.E. 95). The motion is denied.

Gallegos was convicted after a jury trial and is awaiting sentencing. He has represented himself, with assistance from the Federal Public Defender who was previously appointed for him, as standby counsel.

An indigent defendant has a statutory right to free court documents in particular circumstances. *See* 28 U.S.C. § 753(f); *United States v. MacCollum*, 426 U.S. 317 (1976). The defendant must establish that the documents are needed to decide an issue in a pending suit and that the suit is not frivolous. 28 U.S.C. § 753(f). Although Gallegos is pending sentencing and filed objections to the PSR, there is nothing in this record that indicates how the transcript of his own opening statement from trial would help him with sentencing.

Gallegos' pending sentencing is not frivolous, but the transcript does not appear to be needed to decide a sentencing issue. Accordingly, Gallegos' motion for an expedited transcript (D.E. 95) is DENIED without prejudice.

ORDERED this 19th day of May, 2014.


NEELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE